

REMARKS

Claims 1-18 are pending in this application and have been rejected as follows. Claims 1-18 were rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement. Claims 1-4, 6-7, 11-12, and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,614 (Kahn ‘614) in view of U.S. Patent No. 6,704,709 (Kahn ‘709). Claims 5, 8-10, 13-14, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kahn ‘614 and Kahn ‘709 in view of U.S. Patent Publication No. 2003/0033192 (Zyman).

It is greatfully acknowledged that the Examiner has suggested that certain elements listed on pages 29 and 30 of the Office Action may be allowable over the cited prior art.

Claim 19 has been added. It is respectfully submitted that no new matter has been added.

As an initial matter, several of the references cited by the Examiner for at least partial support for some of the “officially noticed facts” do not qualify as prior art. The reference entitled “Database Management Systems” lists a 2003 copyright; the reference entitled “The Midas touch,” lists a 2003 copyright; the reference entitled “Burrelle’s Information Office (BIO),” lists a “Media Directory 2001,” and also shows other inconsistencies (e.g., see page 5); and the reference identified as “Burelles” “Save Time...” only shows a handwritten “December 2000” date and with little other identification information for identifying the source, date, etc. Accordingly, Applicants respectfully request proof of the date of publication for each of these references and request that the Examiner withdraw all of the improper prior art references.

Regarding the Examiner's rejection under 35 U.S.C. §112, first paragraph, the Examiner states that the disclosure fails to state or teach one of ordinary skill in the art: 1. how to determine whether a software product is an automatic speech recognition (ASR) product; 2. how the transcribing of verbal sample data is effected by the determination that a software product is/isn't an ASR product; and 3. fails to teach the best mode for determining whether a product is an ASR product. It is respectfully submitted that the rejections are improper.

Firstly, regarding the Examiner's statement that the disclosure fails to state or teach how to determine whether a software product is an automatic speech recognition, and fails to teach the best mode for determining whether a product is an ASR product, the Examiner is directed to the specification which clearly discloses access instructions for providing information on how to access sample adaptation data associated with a person, provides instructions on what, where and how to access sample adaptation data to be used for adapting the selected product to the selected person (e.g., see paragraph beginning on line 10, page 6; and Fig. 1). Moreover, the specification teaches the sample adaptation data is data that is usable by the adaptation module of the product for adapting the product to the user and further provides an example of adaptation data, such as, verbal text for an ASR product (e.g., see paragraph beginning on line 18, page 6; and Fig. 1). Accordingly, it is clearly seen that if a sample adaptation data includes verbal text, then it can be determined that the recognition product is an ASR product. Accordingly, Applicants respectfully submit that the specification provides proper support for the recitation of determining whether a software product is an ASR product and discloses at least one best mode for this determination.

Secondly, regarding the Examiner's statement that the specification fails to state or teach

one of ordinary skill in the art how the transcribing of verbal sample data is effected by the determination that a software product is/isn't an ASR product, the Examiner is directed to steps 17 and 18 of FIG. 1, which clearly illustrate the steps of determining whether the selected product is an ASR product and transcribing verbal sample adaptation date if the product is determined to be an ASR product, respectively. Accordingly, the specification provides proper support for teaching the recitation of transcribing a verbal sample data from the sample data based on the determination of whether the software product is an ASR product.

Accordingly, the specification provides proper support for the recitations of claims 1 -18, it is respectfully requested that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

Regarding the rejection under 35 U.S.C. §103(a) of independent Claim 1, Examiner states Kahn '614 teaches each and every limitation of Claim 1 except for determining whether a software product is an automatic speech recognition (ASR) product and transcribing a verbal sample of data based on the determination, which the Examiner states is taught by Kahn '709. Upon reviewing the cited references, it is respectfully submitted that the reference does not disclose the limitations of the claim. Kahn '709 discloses a system and a method for improving the accuracy of a speech recognition program by using first and optional second speech recognition programs having at least one "conversion variable" different from each other. In other words, Kahn '709 teaches using different "conversion variables" to produce a slightly different text output and comparing the different text conversions from each speech recognition program to find differences between their text output. Moreover, Kahn '709 teaches an audio file is provided to at least a first speech recognition program. Kahn '709 does not teach or suggest the recitation of determining whether the software product is an automatic speech recognition (ASR)

product and transcribing a verbal sample of data from the sample data based on the determination, as recited in Claim 1. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) of Claim 1 be withdrawn.

Regarding the rejection under 35 U.S.C. §103(a) of independent Claim 11, this claim contains similar recitations as those contained in Claim 1, accordingly for at least the same reasons as stated above with respect to the rejection of Claim 1, it is respectfully requested that the rejection under §103(a) of independent Claim 11 be withdrawn.

Independent Claims 1, 11, and 19 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-10, and 12-18, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-10 and 12-18 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-19, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the

Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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